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Paper No. 30

Nash and Titus  
3415 Brookeville Road  
Suite 1000  
Brookeville, MD 20833

**COPY MAILED**

**OCT 26 2000**

**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of  
Jean A. Setterstrom, et al.  
Application No. 08/789,734  
Filed: January 27, 1997  
Attorney Docket No. ARMY 113

**ON PETITION**

This is in response to the "Request for Reconsideration of Petition under 37 CFR 1.47(a)", filed August 23, 2000.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application file is being forwarded to the Publishing Division via Technology Center 1600 for appropriate action on the request for an initialed IDS and for appropriate action on the corrected claim for priority received August 30, 2000.

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Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-8680.



Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy  
mem/fh/10

cc: Caroline Nash  
U. S. Army Medical Research and Material Command  
504 Scott Street  
Attn: MCMR-JA  
Fort Detrick, MD 21072-5012

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Dr. Thomas Tice  
1915 Forest River Court  
Birmingham, AL 35244

OCT 26 2000

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A/C PATENTS

In re Application of  
Setterstrom; Van Hamont, Reid; Jacob; Jeyanthi; Boedeker;  
McQueen; Jarboe; Cassels; Brown; Thies; Tice; Roberts; and Friden  
Application No. 08/789,734  
Filed: January 27, 1997  
For: THERAPEUTIC TREATMENT AND PREVENTION OF INFECTIONS WITH A  
BIOACTIVE MATERIALS ENCAPSULATED WITHIN A BIODEGRADABLE-  
BIOCOMPATIBLE POLYMERIC MATRIX

Dear Mr. Tice:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Marianne Morgan at (703) 306-3475. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

*Frances Hicks*

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

Nash and Titus  
3415 Brookville Road, Suite 1000  
Brookeville, MD 20833

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#3

**Petition For Revival Of An Application For Patent Abandoned Unintentionally  
Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
Army 145

In Re Application Of: **Setterstrom**

Serial No.  
**09/618,577**

Filing Date  
**July 18, 2000**

Examiner  
**unknown**

Group Art Unit  
**1617**

Invention: **THERAPEUTIC TREATMENT AND PREVENTION OF INFECTIONS WITH A  
BIOACTIVE MATERIALS ENCAPSULATED WITHIN A BIODEGRADABLE-BIOCOMPATIBLE POLYMERIC  
MATRIX**

**ASSISTANT COMMISSIONER FOR PATENTS**

**Attention: Office of Petitions**

**Box DAC**

**Washington, D.C. 20231**

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or  
action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the  
period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- |     |   |           |            |
|-----|---|-----------|------------|
| (1) | Petition fee;   | 01 FC:141 | 1280.00 CH |
| (2) | Reply and/or issue fee;   | 02 FC:122 | 130.00 CH  |
| (3) | Terminal disclaimer with disclaimer fee--required for all utility and plant applications<br>filed before June 8, 1995; and for all design applications; and | 03 FC:105 | 130.00 CH  |
| (4) | Statement that the entire delay was unintentional.  |           |            |

04/18/2002 AKELLEY 00000017 210380 09618577

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: **Compliance to Notice to File Missing Parts**

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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MATRIX**

**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,280.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input type="checkbox"/> _____  | <u>                    </u> |
| Total fees enclosed: <u>\$1,280.00</u>  |                             |

The fee of **\$1,280** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **21-0380**
- A duplicate copy of this sheet is enclosed.

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**Petition For Revival Of An Application For Patent Abandoned Unintentionally  
Under 37 CFR 1.137(b) (Large Entity)**

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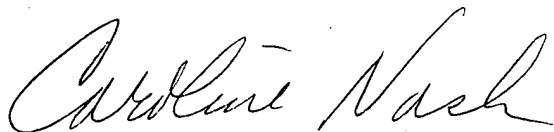
Examiner  
**unknown**

Group Art Unit  
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MATRIX**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



*Signature*

Dated: **December 18, 2001**

**Caroline Nash, Reg. No. 36,329  
Nash & Titus, LLC  
3415 Brookeville Road, Suite 1000  
Brookeville, MD 20833  
(301) 924-9500**

for:

**Elizabeth Arwine, Reg. No. 45,867  
U.S. Army Medical Research and Materiel Command**

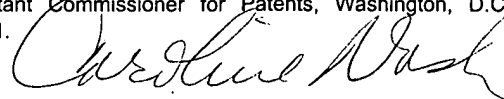
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CC:

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

I certify that this document and fee is being deposited on **December 18, 2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



*Signature of Person Mailing Correspondence*

**Caroline Nash**

*Typed or Printed Name of Person Mailing Correspondence*